

UPDATED INFORMATION

Medi-Cal Bulletin

April 14, 2006

Pharmacy

Emergency MMA Drug Supply Program Period Extended

Note: This program has been extended until 11:59 p.m. on May 16, 2006.

Due to the ongoing problems with the implementation of Medicare Part D, pursuant to *Welfare and Institutions Code* (W&I Code), Section 14133.23, Governor Arnold Schwarzenegger has extended the emergency provisions through May 16. The W&I Code allows Governor Schwarzenegger to extend the emergency coverage for periods of up to 30 days each, but not beyond May 16, 2006. The Governor has notified the Legislature that he will extend the emergency program for 30 days past April 17, 2006.

Therefore, the California Department of Health Services (CDHS) will continue to provide emergency payment for prescription drugs dispensed to beneficiaries who are eligible for Medi-Cal and Medicare, only if the pharmacy has attempted and been unable to obtain reimbursement from a Medicare Part D plan. This program began the evening of January 12, 2006 and will continue through 11:59 p.m., Tuesday, May 16, 2006.

This process is only available in cases where the pharmacy has attempted to obtain Medicare billing information and has attempted to bill Medicare for this drug. To receive reimbursement, a pharmacy must certify that certain conditions have been met.

This program provides payment for emergency supplies of drugs for dual-eligible beneficiaries who are unable to obtain their drugs under the Medicare program. This emergency program is available to full-benefit, dual-eligible beneficiaries previously covered either by fee-for-service Medi-Cal or by a Medi-Cal managed care plan. For beneficiaries enrolled in a Medi-Cal managed care plan, providers are to bill the emergency claims to Medi-Cal fee-for-service and not the Medi-Cal managed care plan.

Providers are reminded that all Medi-Cal utilization controls apply to these emergency claims. Providers will have to seek *Treatment Authorization Request* approvals for claims that do not meet utilization control criteria.

The emergency billing process is **NOT** needed for the Medicare Part D excluded drugs. Medi-Cal will continue to pay providers' claims for the six "Part D excluded" categories of drugs that Medi-Cal currently covers. The categories that Medi-Cal will continue to cover are:

- Anorexia, weight loss or weight gain
- Symptomatic relief of coughs and colds
- Non-prescription drugs (Part D, not Medi-Cal, covers insulin and syringes)
- Barbiturates
- Benzodiazepines
- Prescription vitamins and minerals (Select single vitamins and minerals pursuant to prior authorization or utilization restrictions. Combination vitamin and mineral products are not a benefit. Vitamins or minerals used for dietary supplementation are not a benefit.)

These drugs should be billed to Medi-Cal and not the emergency drug program.

Billing Criteria

These emergency drug benefits are available only when one of the following has occurred:

- The pharmacy has submitted a claim for the provision of drug benefits to the full-benefit dual-eligible beneficiary's Medicare Drug Plan and the claim has been denied payment for reasons other than processing errors or omissions made by the pharmacy, lack of medical necessity or health or safety reasons. **Note:** Pharmacy billing of inappropriate quantities (for example, billing greater than a 30-day supply when only a 30-day supply is allowed under the Medicare Drug Plan) is considered a pharmacy processing error.
- The pharmacy is unable to submit a claim solely due to the unavailability of complete or accurate Medicare Drug Plan enrollment information from the full-benefit dual eligible beneficiary's Medicare Drug Plan, the Centers for Medicare and Medicaid Services (CMS) or entities under contract with the CMS to provide enrollment information, including having attempted to obtain eligibility information from the Medicare E1 eligibility system.
- The Medicare Drug Plan provides information that the full-benefit dual-eligible beneficiary's deductible or copayment amount is higher than the \$1 to \$5 co-payment amounts that are established by Medicare for full-benefit dual eligible beneficiaries.

Process

CDHS has developed a process that allows pharmacy providers to submit this emergency claim electronically. The pharmacy provider need only indicate that the Code I requirements of the claim have been met. By doing so, the pharmacy provider is certifying that all of the following conditions are met:

- (A) One of the three situations noted above has occurred.
- (B) The pharmacist provided or dispensed the drug as a critical service.
- (C) The pharmacist has not previously provided or dispensed, nor has knowledge that another pharmacist has provided or dispensed, a quantity of the same drug that is sufficient to cover the period of time for which the prescription is being dispensed.
- (D) The date of service (date the prescription is dispensed) is from January 12 through May 16, 2006 inclusive.

For claims where Medicare has set the copayment amount to be greater than that for dual-eligible beneficiaries (\$1 to \$5), the pharmacy should submit an "other coverage" claim. The amount-billed field should contain the pharmacy's usual and customary charge for the prescription and the other-coverage-paid field should contain the amount that the Medicare program is reimbursing the pharmacy plus the normal copayment due from the patient. This is the same method used for all Medi-Cal claims for beneficiaries who have other coverage.

Code I (Restrictions)

Code I drugs typically require prior authorization in accordance with Section 51003, unless used under the conditions specified in the Contract Drugs List. In this instance, the Code I is being used outside the Contract Drugs List. The emergency claims discussed in this notice are subject to the prescription documentation requirements in the *California Code of Regulations*, Title 22, Section 51476(c).

To submit a Code 1:

- **Paper:** Place a "Y" in the "CODE I MET" box on the 30-1 claim form. (Indicates the Code I restriction for the drug was met.) The provider should also note in the "Specific Details/Remarks" section of the form that the claim is for "Medicare Part D drugs."
- **Electronic:** Place a "7=Medically Necessary" in the Submission Clarification Code (42Ø-DK). (Code indicating that the pharmacist is clarifying the submission.)

This use of the Code I indicator shall only be used for Medicare Part D emergency drug benefit claiming. Other emergency claims for Medi-Cal beneficiaries shall continue using the paper claim process.

If the claim meets the three conditions above and is denied by the Medi-Cal claims processing system due to the beneficiary not meeting their monthly share of cost, the pharmacy must submit the claim on paper via a 30-1 claim form as indicated above. The "Remarks" section must be filled in as noted.

Please note that Medi-Cal is the payer of last resort available only when information to be paid by Medicare cannot be obtained and this prescription is a one-time emergency supply. It is critical that providers work with beneficiaries, the Medicare drug plan, the Part D Facilitated Enrollment Program, and Medicare to resolve these problems to allow for the proper administration of the Medicare drug program on an ongoing basis. Providers who misuse this program are subject to state audit and recovery.

NOTE: SB 1233 authorizes the Governor, upon notice to the Joint Legislative Budget Committee, to extend this emergency coverage in 30-day periods through May 16, 2006. Providers should visit the Medi-Cal Web site (www.medi-cal.ca.gov) for more information relevant to Medicare Part D and Medi-Cal.

Information on the Medicare Part D Facilitated Enrollment Program offered through Wellpoint/Anthem can be obtained via the Internet at www.anthemprescription.com or by calling 1-800-662-0210.